

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of IVORY LUCAS, JALISE
LUCAS, SHONTIA LUCAS, EBONY LUCAS,
DONALD PATRICK, MICAH McCrARY, and
MICQUAN McCrARY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JACQUELINE CORRETT LUCAS,

Respondent-Appellant.

UNPUBLISHED
August 25, 2005

No. 260298
Oakland Circuit Court
Family Division
LC No. 01-653980-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent argues that the trial court clearly erred in finding that petitioner established MCL 712A.19b(3)(c)(i),¹ more specifically in finding that the conditions of adjudication would not be rectified within a reasonable time. We review the trial court's order for clear error. MCR 3.977(J).

The conditions leading to adjudication were unsuitable and unsanitary housing, inadequate parenting skills, school truancy, and respondent's lack of employment and employment skills. Housing was the central issue at the adjudication and remained so throughout the case. Respondent argues that she would have been able to rectify this condition had petitioner made reasonable efforts to assist her. Petitioner did pay a security deposit and first month's rent for a house that respondent found on her own, but respondent never moved into the

¹ The trial court did not specify which sections of the statute had been established. However, petitioner requested termination pursuant to MCL 712a.19b(3)(c)(i), (g), and (j). Because respondent argues only that section (c)(i) was not established, and because only one section need be established for termination, this Court will not address sections (g) and (j).

house. Simply put, respondent demonstrated the ability to find housing, but respondent was not able to maintain suitable housing for her children. More than four years had passed between petitioner's initial involvement with respondent and the termination trial, respondent's children had been in the court's custody for more than three years, and yet respondent still did not have suitable housing at the time of the termination trial. Even considering petitioner's lack of helpfulness and the difficulty in finding low cost housing for seven children, the time involved is overwhelming. The trial court did not err in finding that this condition of adjudication was unlikely to be rectified within a reasonable time.

Moreover, respondent was not able to rectify the conditions of her poor parenting skills, lack of full and steady employment, and lack of job skills. She completed a parenting class and visited the children regularly. However, when the children began coming for weekend visits, which were intended to be the beginning of a gradual return of the children to respondent's custody, the visits did not go well. Ivory was returned at midnight, rather than 5:00 p.m. Jalise told her foster mother that they did not stay at respondent's house, that there was not enough food, and that respondent asked the children for money. Although respondent denied these allegations, the children's last visit took place over a week after the gas and electricity were shut off at respondent's home. Because the visits did not go well, the trial court did not clearly err in finding that respondent's parenting skills had not improved. Further, respondent had not obtained her GED or completed job training, and she was employed only part-time as a school lunch aide at the time of the termination trial. The trial court did not clearly err in finding that these conditions had also not been rectified and there was no reasonable likelihood that they would be rectified within a reasonable time.

Finally, respondent argues that the trial court clearly erred in its best interests determination. We disagree. Termination of parental rights is mandatory if the court finds that the petitioner established statutory ground for termination, unless the court also finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 344; 612 NW2d 407 (2000). Although respondent visited the children regularly and shared a bond with her children, the children had enjoyed a stable home environment, albeit in foster care, for over three years. Respondent was not able to provide the stability that they needed because she lacked steady employment and housing. Moreover, the evidence established that she would not be able to provide the children with the stability that they needed within a reasonable time and that her parenting skills were still lacking. Accordingly, the trial court did not clearly err in its best interests determination and did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Brian K. Zahra
/s/ Hilda R. Gage
/s/ Christopher M. Murray